

## DECLARATION

XX ORIGINAL  
\_\_\_\_ CONTINUATION  
\_\_\_\_ CONTINUATION-IN-PART  
\_\_\_\_ DIVISIONAL

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor (**Michael Benser and Gene A. Bornzin**) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TERMINATION OF RESPIRATORY OSCILLATIONS  
CHARACTERISTIC OF CHEYNE-STOKES RESPIRATION**

the specification of which:

XX is attached hereto.

\_\_\_\_ was filed on \_\_\_\_\_ as U.S. Application No. \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R., Section 1.56.

I hereby claim the benefit under 35 U.S.C., Section 119(e), of any U.S. provisional application(s) listed below.

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U.S.C, Section 120, of any U.S. application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior U.S. application in the manner provided by the first paragraph of 35 U.S.C., Section 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R., Section 1.56, which became available between the filing date of the prior application and the national filing date of this application.

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)

I hereby appoint the following attorney(s)/agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Steven M. Mitchell  
Reg. No. 31,857

Derrick Reed  
Reg. No. 40,138

Ronald S. Tamura  
Reg. No. 43,179

Jonathan T. Losk  
Reg. No. 39,755

Peter A. Nichols  
Reg. No. 47,822

Address correspondence to:


Derrick Reed, Esq.  
Pacesetter, Inc.  
15900 Valley View Court  
Sylmar, California 91392-9221

Direct telephone calls to:

818/493-2200

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Joint Inventor: Michael Benser


Signature: 

Citizenship: US Date: Jan 23, 2004

Residence: Valencia, California 91354

Post Office Address: 24353 Astor Racing Court

Full Name of Joint Inventor: Gene A. Bornzin

Signature: 

Citizenship: US Date: January 23, 2004

Residence: Simi Valley, California 93065

Post Office Address: 608 Stonebrook

**In re application of:** Michael Benser and Gene A. Bornzin

**Art Unit:** Unassigned

**Examiner:** Unassigned

**Docket No.:** A04P1008

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned Behzad Khosravi is a representative authorized to sign on behalf of the assignee of the entire interest in the above-identified subject application, **PACESETTER, INC.**, and hereby appoints:

Peter A. Nichols  
Reg. No. 47,822

as its attorneys/agents to prosecute this application and to transact all business in the United States with the provisions of Rule 32 of the Patent Office Rules of Practice.

**PACESETTER, INC.**, per 37 CFR 3.73(b), certifies that the evidentiary documents with respect to its ownership have been reviewed and that to the best of the undersigned's knowledge and belief, title is in the assignee seeking this action.

**PACSETTER, INC.**, declares that 100% ownership is established by the assignment

recorded in the U.S. PTO on

a copy of which is attached.

Please direct all correspondence and phone calls relative to said application as follows:

ASSIGNEE: **PACESETTER, INC.**

Signature:

Typed Name:

Title:

**Address:**

**PACESETTER, INC.**

**Behzad Khosravi**

**Vice President, Quality, IT & Leads**

Pacesetter, Inc.  
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## Development

Date: **1/23/2004**